

MASSACHUSETTS
Public Employee Retirement Administration Commission
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MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Settlement in EEOC v. Commonwealth of Massachusetts et al.

DATE: January 22, 2001

All retirement boards which have not received extensions of time to complete the list(s) required by the settlement of the federal lawsuit involving accidental disability retirement should now have sent those lists to PERAC for forwarding to the EEOC. A copy of the letter attached to PERAC Memo #40/2000 (Attachment A) should also have been sent to each person on the Potentially Eligible Individuals list. Any retirement board which has not yet sent the letters should immediately contact the Commission.

Additionally, boards should prepare and retain a signed affidavit attesting to the fact that the letter was sent to each individual on the Potentially Eligible Individuals list. A single copy of the letter should also be maintained.

Once an application filed under this settlement is received by the board, the board should vote on whether to request the appointment of a regional medical panel based on the application and medical proof supplied. Boards should also examine the required signed Affidavit (PERAC Memo #40/2000, Attachment B) to determine whether a legitimate reason has been supplied for the individual's failure to apply for accidental disability retirement at the time he or she ceased employment with the governmental unit. Only individuals who actually applied and were denied accidental disability retirement because of their age are not required to complete the Affidavit.

When Requests for Appointment of a Regional Medical Panel forms are sent to PERAC for individuals covered by the settlement, the form should be clearly marked "EEOC Settlement." Additionally, a copy of the required Affidavit should be attached to the Request form. Please provide all individuals who apply for benefits under this settlement with a copy of both sides of the completed Affidavit.

We trust the foregoing is of assistance. If you have further questions or concerns, please contact this office.